



#H DACE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SUGGS, Steven et al

Serial No. 10/015,444

Filed: December 11, 2001

For: APPARATUS AND METHOD FOR
MANUFACTURING SPIRAL
WOUND GASKETS

Examiner:

Art Unit: 3726

RECEIVED
OCT 31 2003
OFFICE OF PETITIONS

REQUEST THAT ERRONEOUS ESTABLISHMENT OF STATUS
AS SMALL ENTITY BE EXCUSED

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

ERRONEOUS FILING OF SMALL ENTITY ASSERTION

1. On December 11, 2001, a small entity assertion was filed in the subject application improperly and without an intent to deceive. The assertion of small entity status was made on the Utility Patent Application Transmittal by the inadvertent inclusion of a check mark in Box 2. A copy of the file copy of the Transmittal is attached as Exhibit A. It is believed that such occurred using a prior pdf file as a template in preparing the Transmittal. However, the Fee Transmittal detailed the proper large entity payment and a check was enclosed for the large entity payment. A copy of the Fee Transmittal is attached as Exhibit B.

2. On September 26, 2003, the undersigned discovered that such status as a small entity had been asserted and the undersigned recognized that such status was in error. Upon investigation, the facts set forth in 1 above were ascertained. Further, it was determined that on January 29, 2002, the Patent and Trademark Office issued a credit to deposit account 11-0553 for the apparent overpayment of fees in view of the assertion on the Transmittal.

3. The undersigned hereby notifies the Office that the applicant is not entitled to status as a small entity.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this

10/31/2003 SLUANG1 00000024 110553 10015444 30 day of September, 2003.
01 FC:1001 358.00 DA 412.00 OP
02 FC:1201 86.00 DA
Carl M. Davis II

ITEMIZATION OF FEES DEFICIENCIES

4. Deficiencies:

The following is the known deficiency in payment:

Large entity filing fee paid December 11, 2001	\$ 824.00
Credit by Office to deposit account 11-0553 on January 17, 2002 (Exhibit C)	(\$ 412.00)
Large entity filing fee (based on FY 2003 fees)	\$ 834.00
Deficiency (based on FY 2003 Fees)	\$ 422.00

PAYMENT OF DEFICIENCY

5. The total deficiency owed as set forth in 4 above is paid herewith by authorizing the charge to the Deposit Account 11-0553 in the amount of \$422.00. Please charge any additional fee required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Respectfully submitted,



Carl M. Davis II
Registration No. 31,502

BAKER, DONELSON, BEARMAN CALDWELL & BERKOWITZ
Five Concourse Parkway, Suite 900
Atlanta, Georgia 30328
678/406-8700
Docket No.: 170053-00035

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 170053-00035
First Inventor Steven Suggs
Title Apparatus and Method for Manufacturing Spiral
Express Mail Label No. EL 779902255 US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 30]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages]
 - a. ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
 - b. ☐ (for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information:

Examiner _____

of prior application No.: _____ / _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☒ Correspondence address below

Name Carl M. Davis II
Baker, Donelson, Bearman & Caldwell
Address Suite 900, Five Concourse Parkway
City Atlanta State GA Zip Code 30328
Country USA Telephone (770)396-2244 Fax (770)399-9363

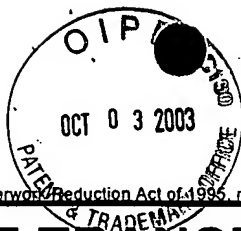
Name (Print/Type) Carl M. Davis II Registration No. (Attorney/Agent) 31,502
Signature [Signature] Date December 11, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Blumberg No. 5118

EXHIBIT

A



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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 864.00)

Complete if Known

Application Number

Filing Date

First Named Inventor

Steven Suggs

Examiner Name

Group Art Unit

Attorney Docket No.

170053-00035

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account Number

11-0553

Deposit
Account Name

Baker, Donelson, Bearman & Caldwell

☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description
Code (\$) Code (\$) Code (\$)

101 740 201 370 Utility filing fee

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

Fee Paid

740.00

SUBTOTAL (1) (\$ 740.00)

2. EXTRA CLAIM FEES

Total Claims 16 -20** = 0 x 18.00 = 0.00
Independent Claims 4 -3** = 1 x 84.00 = 84.00
Multiple Dependent = 84.00

Large Entity Small Entity

Fee Fee Fee Fee
Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 ** Reissue independent claims
over original patent

110 18 210 9 ** Reissue claims in excess of 20
and over original patent

SUBTOTAL (2) (\$ 84.00)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40.00
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

SUBMITTED BY

Name (Print/Type)

Carl M. Davis II

Registration No.
(Attorney/Agent)

31,502

Complete (if applicable)

Telephone

(770)396-2244

Signature

Carl M. Davis II

Date

December 11, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Blumberg No. 5118

EXHIBIT

B

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

BDBC

FEB 21 2002

Account No.	110553
Date	1-31-02
Page	1

KENNEDY DAVIS & HODGE, LLP
DAWN SOUZA
FIVE CONCOURSE PARKWAY NE
SUITE 900
ATLANTA GA 30328

FINA

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
1	10	02	21	10015444	170053-00035	704	-412.00	589.00 1001.00
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1	15	02						
1	16	02						
1	17	02						
1	22	02						
1	22	02						
1	22	02						
1	23	02						
1	28	02						
1	28	02						
1	29	02						
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.				OPENING BALANCE 524.00	TOTAL CHARGES 347.00	TOTAL CREDITS 824.00	CLOSING BALANCE 1001.00	

EXHIBIT

C

Blumberg Inc. #110

AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
MUST ALWAYS BE ON DEPOSIT.



Transaction List

Search by

☐ Accounting Date: Operator ID:
(MMDDYY)

Accounting Date

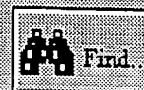
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Ends:

☒ Name/Number:

☐ Altny Docket No:

☐ Deposit Account No:



Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
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01/29/2002	CVORACHA	20	SALE	202	A	42.00	10015444	
01/29/2002	CVORACHA	19	SALE	201	A	370.00	10015444	
01/29/2002	CVORACHA	18	ADJ	102	A	-84.00	10015444	
01/29/2002	CVORACHA	17	ADJ	101	A	-740.00	10015444	
12/27/2001	DBYRNE	85	SALE	581	A	40.00	10015444	
12/18/2001	RHARIS1	52	SALE	102	R	84.00	10015444	
12/18/2001	RHARIS1	51	SALE	101	R	740.00	10015444	



Adjustment Detail

Authorization Detail



Adjustment date: 10/31/2003 SLUANG1
01/29/2002 CVORACHA 00000009 10015444
01 FC:201 -370.00 OP
02 FC:202 -42.00 OP

1.28C